



JUL 19 2006

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>7/14/04</u>		Application Number <u>10/797,147</u>
Signature <u>Theresa A. Jones</u>		Filed <u>3/10/04</u>
Typed or printed name <u>Theresa A. Jones</u>		First Named Inventor <u>Moscaluk</u>
		Art Unit <u></u>
		Examiner <u>Nguyen, Hiep</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.		
This request is being filed with a notice of appeal.		
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.		
I am the		
<input type="checkbox"/> applicant/inventor.		
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>38,170</u>		
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		
<u>Date B. Halling</u> Typed or printed name		
<u>719-447-1990</u> Telephone number		
<u>7/14/04</u> Date		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.		
<input type="checkbox"/> *Total of _____ forms are submitted.		

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Moscaluk

EXAMINER: Nguyen, Hiep

SERIAL NO.: 10/797,147

GROUP: 2816

FILED: March 10, 2004

CASE NO.: CYP-0403

ENTITLED: Signal Transmission Amplifier

---

Law Offices of Dale B. Halling  
655 Southpointe Ct., Suite 100  
Colorado Springs, CO 80906  
June 7, 2006

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Remarks**

**Status of the Claims**

Claims 1-3, 6-13, 15-17 & 20 are at issue. Claims 1, 2, 6-12 stand rejected under 35 USC 103(a) as being unpatentable over Fung et al (USPN 5,107,465) in view of Chang et al (USPN 6,870,413). Claims 3 & 13 under 35 USC 103(a) as being unpatentable over Fukushi et al (USPN 6,836,426) in view of Fung et al (USPN 5,107,465) in view of Chang et al (USPN 6,870,413). Claims 6 & 20 are allowable. Claims 1 & 9 are objected to because of informalities. Claims 12 & 13 stand rejected under 35 USC 112, second paragraph.

## Clear Issues for Review

### Claim Objections:

The Examiner objects to claims 1 & 9 because the recitation "a reference generating circuit" is misdescriptive because it is only a latch circuit having a inverter coupled to the input. The Examiner is clearly incorrect. The reference generating circuit 16 sets a threshold level for the cross coupled latch. As stated on page 8, line 2 of the specification "The reference voltage (66) tracks the previous state." And further on page 8, lines 6-8, "The latch will then sense the differential voltage and drive the output signal 172 to the appropriate logic level. In this case, signal 38 will have a higher voltage than signal 66 based on the input signals voltage level." Thus the circuitry with reference numeral 16 is correctly labeled as a reference generating circuit. This objection must be withdrawn.

### 35 USC 112, Second Paragraph

The Examiner suggests that the phrase "having a voltage that is less than a transistor threshold" is indefinite. This phrase is clear to anyone skilled as an electrical engineer and the rejection must be withdrawn.

### 35 USC 103

Claim 1 requires a reference generating circuit. The Examiner points to Fung elements 25, 26 & 27. Fung refers to elements 25 & 26 as the slave of a master slave flip flop. Element 27 is referred to as an inverter. (Col. 36-38) This is clearly not a reference generating circuit. Adding Chang does not solve the problem, since replacing element 27 with a Schmitt trigger does not make the combination of elements a reference generating circuit. Unlike the present

application, no reference level is generated. The present application uses the reference level 66 to set the threshold for the cross coupled latch 12. No one skilled in the art would buy the Examiner's suggestion that this represents a reference generating circuit. Claim 1 is clearly allowable.

Claim 2 is allowable as being dependent upon an allowable base claim.

Claim 3 by reference requires a reference generating circuit. The combination of Fukushi, Fung and Chang does not show or suggest a reference generating circuit having a latch and Schmitt trigger. The Examiner points to Fung elements 25, 26 & 27. Fung refers to elements 25 & 26 as the slave of a master slave flip flop. Element 27 is referred to as an inverter. (Col. 36-38) This is clearly not a reference generating circuit. Adding Chang does not solve the problem, since replacing element 27 with a Schmitt trigger does not make the combination of elements a reference generating circuit. No reference level is generated. No one skilled in the art would buy the Examiner's suggestion that this represents a reference generating circuit. Claim 3 is clearly allowable.

Claim 6 requires that the second transmission gate be between the output of the latch and the cross coupled latch. The output of latch 25, 26 of Fung is not the transmission gate 22. No one skilled in the art would agree with the Examiner's argument. Anyone skilled in the art would call the input to inverter 27 as the output of the latch formed by elements 25 & 26. Claim 6 is clearly allowable.

Claims 7 & 8 are allowable as being dependent upon an allowable base claim.

Claim 9 requires a reference generating circuit. The Examiner points to Fung elements 25, 26 & 27. Fung refers to elements 25 & 26 as the slave of a master slave flip flop. Element 27 is referred to as an inverter. (Col. 36-38) This is clearly not a reference generating circuit. Adding Chang does not solve the problem, since replacing element 27 with a Schmitt trigger does not make the combination of elements a reference generating circuit. No reference level is

generated. No one skilled in the art would buy the Examiner's suggestion that this represents a reference generating circuit.

In addition, claim 9 requires a reference input. No reference input is shown or suggested by the prior art. Claim 9 is clearly allowable.

Claims 10, 11 & 13 are allowable as being dependent upon an allowable base claim.

Claim 12 states that the cross coupled latch latches on a voltage less than a transistor threshold. It does not say as the Examiner suggests on a voltage equal to the input voltage less a transistor threshold drop. Claim 12 is clearly allowable.

Claim 15 requires a reference voltage generating circuit. The Examiner points to Fung elements 25, 26 & 27. Fung refers to elements 25 & 26 as the slave of a master slave flip flop. Element 27 is referred to as an inverter. (Col. 36-38) This is clearly not a reference generating circuit. Adding Chang does not solve the problem, since replacing element 27 with a Schmitt trigger does not make the combination of elements a reference generating circuit. No reference level is generated. No one skilled in the art would buy the Examiner's suggestion that this represents a reference generating circuit. Claim 15 is clearly allowable.

Claims 16, 17 & 20 are allowable as being dependent upon an allowable base claim.

Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

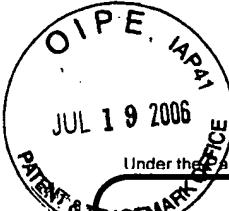
(Moscaluk)

By

  
Attorney for the Applicant

Dale B. Halling  
Reg. No.: 38,170  
Customer No. 25,007  
Phone: (719) 447-1990  
Fax: (719) 447-0983

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number



Effective on 12/08/2004.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

500

## Complete if Known

Application Number 10/797,147

Filing Date 7-14-06

First Named Inventor Moscaluk

Examiner Name Ngyuen, Hiep

Art Unit

Attorney Docket No. CYP-0403

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- |   |   |
|---|---|
| <input type="checkbox"/> Charge fee(s) indicated below  | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
| <input type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 | <input type="checkbox"/> Credit any overpayments                                  |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	Fee (\$)	Fee (\$)
- 20 or HP =	0	x 0	= 0	50	25	
HP = highest number of total claims paid for, if greater than 20.				200	100	
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	360	180	

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	= 0	0

HP = highest number of independent claims paid for, if greater than 3.

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	= 0	0

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Pre Appeal Brief Large Entity

Fees Paid (\$)

0

500

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 38170	Telephone 719-447-1990
Name (Print/Type)	Dale B. Halling		Date 7/14/06

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.